IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 11TH MAY 2007 / 21ST VAISAKHA 1929

WP(C).No. 14965 of 2007(F)

PETITIONER:

MANGALAM PUBLICATIONS (INDIA) PVT.LTD.
MANGALAM COMPLEX, P.B.NO.3,
S.H.MOUNT P.O., KOTTAYAM, REP. BY ITS DIRECTOR.

BY ADV. SRI.U.K.RAMAKRISHNAN
SRI.P.V.LOHITHAKSHAN
SMT.P.VIJAYAMMA
SMT.UMA GOPINATH
SRI.V.KRISHNA MENON

RESPONDENTS:
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1. THE ASST.PROVIDENT FUND COMMISSIONER,
EMPLOYEES PROVIDENT FUND ORGANISATION,
SUB REGIONAL OFFICE, CHALAKKUZHI BUILDING,
CMS COLLEGE ROAD, P.B.NO.36, KOTTAYAM-686 001.

2. THE EXPLOYEES PROVIDENT FUND APPELLATE
TRIBUNAL, NEW DELHI-110 019.

BY GOVT. PLEADER SRI. T.B. HOOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Antony Dominic, J.

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W.P.(C)No.14965 of 2007

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Dated this the 11th day of May, 2007.

JUDGMENT

By Ext.P3 order issued by the first respondent under Section 7A of the EPF Act, petitioner was directed to remit an amount of Rs.37,49,218/-. Out of the amount so determined, disputing their liability to the extent of an amount of Rs.6,96,156/-, the petitioner has filed an appeal before the second respondent, the Appellate Tribunal, along with Ext.P6, a petition seeking waiver of pre-deposit of the amount demanded. It is stated that despite having served a copy of the memorandum of appeal on the first respondent, proceedings have been initiated under Section 8 F of the EPF Act and Bank operations have been frozen. The petitioner states that although the petitioner is undergoing severe financial crisis, the undisputed amount due under Ext.P3 will also be remitted within the shortest possible time. It is stated that on account of Ext.P8 order issued under Section 8F of the EPF Act, the entire activities of the petitioner establishment have come to a stand still. In the circumstances, this Writ Petition has been filed seeking inter alia to direct the second respondent – Appellate Tribunal,

to consider and pass orders on Exts.P5 and P6 as expeditiously as possible, keeping in abeyance the coercive action initiated by the respondents.

2. Taking into account the circumstances highlighted in the Writ Petition, I am inclined to dispose of the Writ Petition itself with the following directions:

(1) The petitioner shall remit the admitted amount of Rs.30,53,062/- within two weeks from today.

(2) The second respondent – Appellate Tribunal shall take up and consider Ext.P5 petition for waiver of pre-deposit as expeditiously as possible, at any rate, within 8 weeks from the date of receipt of a copy of this judgment.

(3) Subject to remittance of the admitted amount mentioned above until orders are passed on Ext.P5, all further proceedings following Ext.P8, will be kept in abeyance.

Writ Petition is disposed of as above.

Antony Dominic
Judge.

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